

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
PATENT APPLICATION DOCUMENTATION

COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313 – 1450
Attn: Edward H. Tso, Primary Examiner
Facsimile # 571-273-8300

August 27, 2008

Dear Sir,

Petition for fee waiver regarding 10/714,424 in response to OA mailed 07/21/08

Applicant respectfully submits this Petition For Fee Waiver, in response to office action dated 07/21/2008, and telephonic conversation with examiner Ed Tso, and submits the following facts for consideration:

1. Utility application 10/714,424 was filed on 11/17/2003, about 5 years ago approximately.
2. Due to varied reasons unknown and incomprehensible to the applicant, prosecution of 10/714,424 has been delayed by an extraordinary period of time beyond that of the average utility patent application.
3. During completion of prosecution, applicant was informed by examiner Tso that the application was not "in condition for allowance" because "withdrawn claims were not canceled".
4. Accordingly, amended claims were transmitted to the USPTO by applicant with the words "WITHDRAWN" replaced by "CANCELED" in the claims list.
5. Upon submission of these changes requested by the USPTO, applicant has been informed that the amendment "is late", and that a late in the second month fee of \$525 for a small entity will be required, without which the amendment is non-compliant.
6. With respect, applicant feels that this is a severe and undue penalty upon a diligent inventor for a formality that could have been readily completed at the USPTO's initiative.
7. It is obvious that "Withdrawn" claims are no longer part of the applicant's claims for the invention claimed. Therefore, eliminating claims marked "Withdrawn" from the claims list should be a redundant task in the prosecution of an application. Applicant feels that a

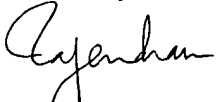
requirement for "Withdrawn" claims to be relabeled "Canceled" as instructed by examiner Tso is a redundant task, given diligence in marking claims for elimination.

8. Applicant could not have reasonably or ordinarily anticipated such a requirement, of replacing the word "WITHDRAWN" with "CANCELED", which applicant believes to be redundant and burdensome in patent claims defense and documentation.
9. A fee amount of **\$525** is an excessively burdensome hardship to an individual inventor.
10. Application 10/714,424 has seen extraordinary delays in prosecution that the applicant has not had any control over, which delays are an order of magnitude greater than a delay in completion of what applicant believes to be a redundant word replacement. Applicant has successfully applied for and been granted a patent (US 7348810) that has been prosecuted in approximately **18 months** without expedited processing. In comparison, application **10/714,424** is approaching **58 months** of prosecution.

In consideration of the above facts, applicant respectfully requests that the late fee of \$525 imposed for 10/714,424 be waived and that claims in the application be allowed.

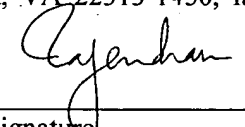
Please acknowledge the receipt of this letter and response to the office action. Kindly address all correspondence to the below named inventor.

Sincerely,



Rajendran Nair
3838 E. Encinas Ave.
Gilbert, AZ 85234

Sent by Facsimile & US Mail

CERTIFICATION	Label Number: _____	Date: <u>August 27, 2008</u>
I hereby certify that this paper has been transmitted by facsimile transmission and by US Mail to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, fax no. (571) 273-8300		
<u>Rajendran Nair</u> Senders name	 Signature	